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2024L066099  
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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

DEBORAH LABADIE,	)	
Plaintiff,	)	
	)	
v.	)	Case No. 2024L066099
	)	
SOUTHWEST AIRLINES CO.,	)	
PROSPECT AIRPORT SERVICES, INC.,	)	Amount in Excess of \$100,000.00
JOHN DOE,	)	
Defendants.	)	Jury Demanded

FIRST AMENDED COMPLAINT AT LAW

Now comes the Plaintiff, DEBORAH LABADIE, by her attorneys, ARMAN G. SARKISIAN and JORDAN K. PACK of SARKISIAN, SARKISIAN, & ASSOCIATES, PC, and for her cause of action against Defendants, SOUTHWEST AIRLINES CO., PROSPECT AIRPORT SERVICES, INC., and JOHN DOE, alleges and states as follows:

FACTS COMMON TO ALL COUNTS

1. That all of the events relevant hereto took place in Cook County, State of Illinois.
2. That at all times relevant hereto, the Plaintiff, DEBORAH LABADIE, was an individual and resident of the State of Indiana, County of Lake, City of Crown Point.
3. That on said date and time, Defendant, SOUTHWEST AIRLINES CO., was a for-profit business licensed to transact business in the State of Illinois.
4. That on said date and time, Defendant, PROSPECT AIRPORT SERVICES, INC., was a for-profit business organized and licensed to transact business in the State of Illinois.
5. That on said date and time, upon information and belief, the Defendant, JOHN DOE, was an individual and resident of the state of Illinois.
6. That on or about December 15, 2022, at approximately 10:50 a.m., Plaintiff, DEBORAH LABADIE, was legally at the Chicago Midway International Airport located at 5700 S



Cicero Avenue, Chicago, Illinois 60638. More specifically, at a curbside baggage check-in counter for SOUTHWEST AIRLINES CO.

7. That on said date and at said time, Plaintiff, DEBORAH LABADIE, was a business invitee.
8. That on said date and time, Defendant, JOHN DOE, was an agent, servant, employee, and/or contractor working at the curbside baggage check-in counter of Chicago Midway International Airport where Plaintiff was present.
9. That on said date and at said time, Plaintiff, DEBORAH LABADIE, was standing at the baggage drop-off counter at Chicago Midway International Airport being assisted by Defendant, JOHN DOE.
10. That on said date and time, while the Defendant, JOHN DOE, was assisting the Plaintiff with her bag, Defendant, JOHN DOE, fell and landed on the Plaintiff, DEBORAH LABADIE.
11. That the force of Defendant, JOHN DOE, falling and landing on the Plaintiff, DEBORAH LABADIE, caused her to fall and strike the ground.
12. That on said date and time, Defendant, JOHN DOE, was a male, Caucasian, and was wearing what appeared to be a blue Southwest Airlines top. He worked in front of and behind the counter, and ended up pushing Plaintiff out of the baggage check area in a wheel chair.
13. That as a direct and proximate cause and result of the fall and events surrounding it, the Plaintiff, DEBORAH LABADIE, suffered injuries, incurred substantial medical expenses, endured physical pain and emotional distress, and suffered other harms and losses directly related thereto allowable under the laws of this state, some if not all of which are permanent and ongoing.

**COUNT I – NEGLIGENCE**

Now comes the Plaintiff, DEBORAH LABADIE, by her attorneys, ARMAN G. SARKISIAN and JORDAN K. PACK of SARKISIAN, SARKISIAN, & ASSOCIATES, PC, and for her cause of action against Defendants, SOUTHWEST AIRLINES CO. and JOHN DOE, alleges and states as follows:

14. That the Plaintiff repeats and re-alleges rhetorical paragraphs 1-13 above, as if fully set forth herein.
15. That on or about December 15, 2022, at approximately 10:50 a.m., Defendant SOUTHWEST AIRLINES CO., owned, possessed, operated, managed, maintained, and/or controlled the curbside baggage check-in counter at Chicago Midway International Airport, located at 5700 S Cicero Ave, Chicago Illinois 60638.
16. That on said date and at said time, Plaintiff, DEBORAH LABADIE, was a business invitee and customer, otherwise legally to be at the curbside baggage check-in counter located at Chicago Midway International Airport.
17. That the Plaintiff, DEBORAH LABADIE, purchased an airline ticket from SOUTHWEST AIRLINES CO. to fly to the State of Florida on that date, December 15, 2022.
18. That on said date and time, Defendant, JOHN DOE, was an agent, servant, employee and/or contractor of Defendant, SOUTHWEST AIRLINE CO., working within the course and scope of his agency, servitude, employment, and/or contractual duty.
19. That on said date and time, Defendant, JOHN DOE, was under the direct control and supervision of the Defendant, SOUTHWEST AIRLINES CO.
20. That on said date and time, Defendant, JOHN DOE, had a duty to act reasonably, safely, and not cause harm to others, specifically the Plaintiff, DEBORAH LABADIE.

21. That on said date and at said time, Defendant SOUTHWEST AIRLINES CO., through its agents, servants, employees, contractors, and assigns, had a duty to exercise ordinary care in its ownership, possession, management, maintenance, and control of the subject curbside baggage check-in counter such that it was reasonably safe for individuals to use and rely upon.

22. That the Defendants, SOUTHWEST AIRLINE CO., and JOHN DOE, breached their duties and was then and there guilty of one or more of the following careless and negligent acts and/or omissions:

- a. Incapable of performing job duties safely.
- b. Unqualified to perform his job and/or duty in a reasonably safe manner.
- c. Unqualified to perform his job and/or duties in a handicap zone.
- d. Failed to get assistance when needed to help a customer.
- e. Failed to keep a proper lookout of surrounding areas.
- f. Failed to ensure the safety of a customer
- g. Improperly assisting customers.
- h. Failed to perform his job/duties in a reasonable and safe manner. And/or
- i. Failing to keep a customer safe and free from harm or injuries.

23. That one or more of the aforesaid careless and negligent acts and/or omissions of the Defendants, SOUTHWEST AIRLINES CO. and JOHN DOE, was the proximate cause of said occurrence and the personal injuries hereinafter stated.

WHEREFORE, Plaintiff, DEBORAH LABADIE, prays for judgment in her favor and against Defendants, SOUTHWEST AIRLINES CO. and JOHN DOE, in a sum in excess of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), for costs of suit, and for all other just and proper relief in the premises.

Respectfully submitted,



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ARMAN G. SARKISIAN  
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[Jordan@Sarklawfirm.com](mailto:Jordan@Sarklawfirm.com)  
Attorneys for Plaintiff

**COUNT II – RESPONDEAT SUPERIOR**

Now comes the Plaintiff, DEBORAH LABADIE, by her attorneys, ARMAN G. SARKISIAN and JORDAN K. PACK of SARKISIAN, SARKISIAN, & ASSOCIATES, PC, and for her cause of action against Defendant, SOUTHWEST AIRLINES CO., alleges and states as follows:

24. That the Plaintiff repeats and re-alleges rhetorical paragraphs 1-23 above, as if fully set forth herein.
25. That on said date and time, Defendant, JOHN DOE, was an agent, servant, employee and/or contractor of Defendant, SOUTHWEST AIRLINE CO., working within the course and scope of his agency, servitude, employment, and/or contractual duty.
26. That on said date and time, Defendant, JOHN DOE, was under the direct control and supervision of the Defendant, SOUTHWEST AIRLINES CO.

27. That the Defendant, SOUTHWEST AIRLINES CO., is vicariously liability for the negligent, reckless, and/or careless acts or omissions of Defendant, JOHN DOE, pursuant to the doctrine of *Respondeat Superior*.

WHEREFORE, Plaintiff, DEBORAH LABADIE, prays for judgment in her favor and against Defendant, SOUTHWEST AIRLINES CO., in a sum in excess of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), for costs of suit, and for all other just and proper relief in the premises.

Respectfully submitted,



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[Jordan@Sarklawfirm.com](mailto:Jordan@Sarklawfirm.com)  
Attorneys for Plaintiff

**COUNT III – NEGLIGENCE, TRAINING, ENTRUSTMENT, AND/OR SUPERVISION**

Now comes the Plaintiff, DEBORAH LABADIE, by her attorneys, ARMAN G. SARKISIAN and JORDAN K. PACK of SARKISIAN, SARKISIAN, & ASSOCIATES, PC, and for her cause of action against Defendant, SOUTHWEST AIRLINES CO., alleges and states as follows:

28. That the Plaintiff repeats and re-alleges rhetorical paragraphs 1-27 above, as if fully set forth herein.

29. That the Defendant, SOUTHWEST AIRLINES CO., owed the general public, including

the Plaintiff, a duty to determine the qualifications of its agents, servants, employees, and/or contractors, including but not limited to:

- a. Adequately evaluating applicants before hiring or retaining them as agents, servants, employees, and/or contractors;
- b. Adequately training and supervising agents, servants, employees, and/or contractors;
- c. Adequately evaluating the job performance of any agent, servant, employee, and/or contractor, so as to discharge any incompetent or negligent employee before he or she injures the public or property; and/or
- d. Had a duty to employ individuals to perform all aspects of the job.

30. That the Defendant, SOUTHWEST AIRLINES CO., breached one or more of these duties to the public, including the Plaintiff, by its negligent hiring, training, supervision, and retention of the Defendant, JOHN DOE, who was otherwise negligent when causing harm to the Plaintiff.

WHEREFORE, Plaintiff, DEBORAH LABADIE, prays for judgment in her favor and against Defendant, SOUTHWEST AIRLINES CO., in a sum in excess of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), for costs of suit, and for all other just and proper relief in the premises.

Respectfully submitted,



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[Jordan@Sarklawfirm.com](mailto:Jordan@Sarklawfirm.com)  
Attorneys for Plaintiff

**COUNT IV – NEGLIGENCE**

Now comes the Plaintiff, DEBORAH LABADIE, by her attorneys, ARMAN G. SARKISIAN and JORDAN K. PACK of SARKISIAN, SARKISIAN, & ASSOCIATES, PC, and for her cause of action against Defendants, PROSPECT AIRPORT SERVICES, INC. and JOHN DOE, alleges and states as follows:

31. That the Plaintiff repeats and re-alleges rhetorical paragraphs 1-30 above, as if fully set forth herein.
32. That on or about December 15, 2022, at approximately 10:50 a.m., Defendant PROSPECT AIRPORT SERVICES, INC., owned, possessed, operated, managed, maintained, and/or controlled the curbside baggage check-in counter at Chicago Midway International Airport, located at 5700 S Cicero Ave, Chicago Illinois 60638.
33. That on said date and at said time, Plaintiff, DEBORAH LABADIE, was a business invitee and customer, otherwise legally to be at the curbside baggage check-in counter located at Chicago Midway International Airport.
34. That the Plaintiff, DEBORAH LABADIE, purchased an airline ticket from PROSPECT AIRPORT SERVICES, INC. to fly to the State of Florida on that date, December 15, 2022.
35. That on said date and time, Defendant, JOHN DOE, was an agent, servant, employee and/or contractor of Defendant, PROSPECT AIRPORT SERVICES, INC., working within the course and scope of his agency, servitude, employment, and/or contractual duty.
36. That on said date and time, Defendant, JOHN DOE, was under the direct control and

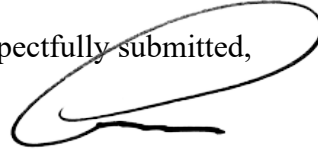


supervision of the Defendant, PROSPECT AIRPORT SERVICES, INC.

37. That on said date and time, Defendant, JOHN DOE, had a duty to act reasonably, safely, and not cause harm to others, specifically the Plaintiff, DEBORAH LABADIE.
38. That on said date and at said time, Defendant, PROSPECT AIRPORT SERVICES, INC., through its agents, servants, employees, contractors, and assigns, had a duty to exercise ordinary care in its ownership, possession, management, maintenance, and control of the subject curbside baggage check-in counter such that it was reasonably safe for individuals to use and rely upon.
39. That the Defendants, PROSPECT AIRPORT SERVICES, INC., and JOHN DOE, breached their duties and was then and there guilty of one or more of the following careless and negligent acts and/or omissions:
- a. Incapable of performing job duties safely.
  - b. Unqualified to perform his job and/or duty in a reasonably safe manner.
  - c. Unqualified to perform his job and/or duties in a handicap zone.
  - d. Failed to get assistance when needed to help a customer.
  - e. Failed to keep a proper lookout of surrounding areas.
  - f. Failed to ensure the safety of a customer
  - g. Improperly assisting customers.
  - h. Failed to perform his job/duties in a reasonable and safe manner. And/or
  - i. Failing to keep a customer safe and free from harm or injuries.
40. That one or more of the aforesaid careless and negligent acts and/or omissions of the Defendants, SOUTHWEST AIRLINES CO. and JOHN DOE, was the proximate cause of said occurrence and the personal injuries hereinafter stated.

WHEREFORE, Plaintiff, DEBORAH LABADIE, prays for judgment in her favor and against Defendants, PROSPECT AIRPORT SERVICES, INC. and JOHN DOE, in a sum in excess of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), for costs of suit, and for all other just and proper relief in the premises.

Respectfully submitted,



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[Jordan@Sarklawfirm.com](mailto:Jordan@Sarklawfirm.com)  
Attorneys for Plaintiff

**COUNT V – RESPONDEAT SUPERIOR**

Now comes the Plaintiff, DEBORAH LABADIE, by her attorneys, ARMAN G. SARKISIAN and JORDAN K. PACK of SARKISIAN, SARKISIAN, & ASSOCIATES, PC, and for her cause of action against Defendant, PROSPECT AIRPORT SERVICES, INC., alleges and states as follows:

41. That the Plaintiff repeats and re-alleges rhetorical paragraphs 1-40 above, as if fully set forth herein.
42. That on said date and time, Defendant, JOHN DOE, was an agent, servant, employee and/or contractor of Defendant, PROSPECT AIRPORT SERVICES, INC., working within the course and scope of his agency, servitude, employment, and/or contractual duty.
43. That on said date and time, Defendant, JOHN DOE, was under the direct control and supervision of the Defendant, PROSPECT AIRPORT SERVICES, INC.

44. That the Defendant, PROSPECT AIRPORT SERVICES, INC., is vicariously liability for the negligent, reckless, and/or careless acts or omissions of Defendant, JOHN DOE, pursuant to the doctrine of *Respondeat Superior*.

WHEREFORE, Plaintiff, DEBORAH LABADIE, prays for judgment in her favor and against Defendant, PROSPECT AIRPORT SERVICES, INC., in a sum in excess of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), for costs of suit, and for all other just and proper relief in the premises.

Respectfully submitted,



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Attorneys for Plaintiff

**COUNT VI – NEGLIGENCE, TRAINING, ENTRUSTMENT, AND/OR SUPERVISION**

Now comes the Plaintiff, DEBORAH LABADIE, by her attorneys, ARMAN G. SARKISIAN and JORDAN K. PACK of SARKISIAN, SARKISIAN, & ASSOCIATES, PC, and for her cause of action against Defendant, PROSPECT AIRPORT SERVICES, INC., alleges and states as follows:

45. That the Plaintiff repeats and re-alleges rhetorical paragraphs 1-44 above, as if fully set forth herein.

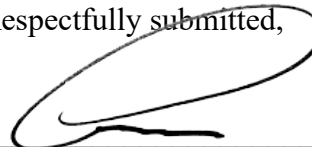
46. That the Defendant, PROSPECT AIRPORT SERVICES, INC., owed the general public, including the Plaintiff, a duty to determine the qualifications of its agents, servants, employees, and/or contractors, including but not limited to:

- a. Adequately evaluating applicants before hiring or retaining them as agents, servants, employees, and/or contractors;
- b. Adequately training and supervising agents, servants, employees, and/or contractors;
- c. Adequately evaluating the job performance of any agent, servant, employee, and/or contractor, so as to discharge any incompetent or negligent employee before he or she injures the public or property; and/or
- d. Had a duty to employ individuals to perform all aspects of the job.

47. That the Defendant, PROSPECT AIRPORT SERVICES, INC., breached one or more of these duties to the public, including the Plaintiff, by its negligent hiring, training, supervision, and retention of the Defendant, JOHN DOE, who was otherwise negligent when causing harm to the Plaintiff.

WHEREFORE, Plaintiff, DEBORAH LABADIE, prays for judgment in her favor and against Defendant, PROSPECT AIRPORT SERVICES, INC., in a sum in excess of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), for costs of suit, and for all other just and proper relief in the premises.

Respectfully submitted,



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Attorneys for Plaintiff